



KNOW YOUR RIGHTS

WHAT TO DO IF IMMIGRATION (ICE) SHOWS UP AT YOUR WORKPLACE




Generally speaking, unless you work in a public space, ICE cannot enter your workplace without a warrant signed by a judge or permission from your employer or someone else who is authorized to use and let others into your workplace.

 If you feel comfortable, talk to your employer and co-workers in advance to make sure they know they should not let ICE into your workplace without a warrant.

 **Stay calm.** Do not run. ICE can use that as a reason to arrest you.

IF ICE DOES NOT HAVE A WARRANT:

 Do not let them in! Calmly ask them to leave.


 Your employer or someone else with authority should also not let them in! If the employer or someone with authority lets them in, ICE no longer needs a warrant.




If ICE enters your workplace by force:

 State that you do not consent to a search.

 Write down the agents' names and badge numbers.

 Document any violence or abuse.

 Document the details of the search, and persons or property taken.

IF ICE HAS A SEARCH WARRANT (signed by a judge):



A search warrant, signed by a judge, authorizes ICE to search a location and retrieve certain items, but it does not typically authorize the arrest of individuals.

Before letting the agents in:



Make sure the warrant has the correct address for your workplace. If the address is incorrect, do not let the agents in.



Review the warrant to see what areas and things ICE is authorized to search. Do not let ICE into any place that is not described in the warrant



IF ICE HAS AN ARREST WARRANT (signed by a judge):



An arrest warrant, signed by a judge, authorizes ICE to arrest an individual or individuals and retrieve certain items, but it does not typically authorize ICE to enter your workplace.



An arrest warrant, signed by a judge, authorizes ICE to arrest an individual or individuals and retrieve certain items, but it does not typically authorize ICE to enter your workplace.



Do not speak to ICE or allow ICE agents to enter. Speak to a supervisor or a manager, who should consult with a lawyer before turning anyone over to the custody of ICE.



IF ICE ARRESTS OR DETAINS YOU:



Do not speak with ICE. Exercise your right to remain silent.



Ask to speak to your attorney. **DO NOT ANSWER ANY QUESTIONS OR SIGN ANYTHING YOU DO NOT UNDERSTAND WITHOUT YOUR ATTORNEY!**



Contact your attorney or family member immediately.



Ask for bond and a hearing before a judge even if ICE says you are not eligible.



Ask for copies of all your immigration documents.

BE PREPARED! CREATE A SAFETY PLAN IN CASE OF ARREST.



Consider whether your workplace has a policy to limit ICE entry into a workplace. If you have a union, consider raising this with the union.



Carry a Know-Your-Rights card to show to ICE if they stop you. The card should, at the very least, state that you will remain silent and wish to speak with an attorney.



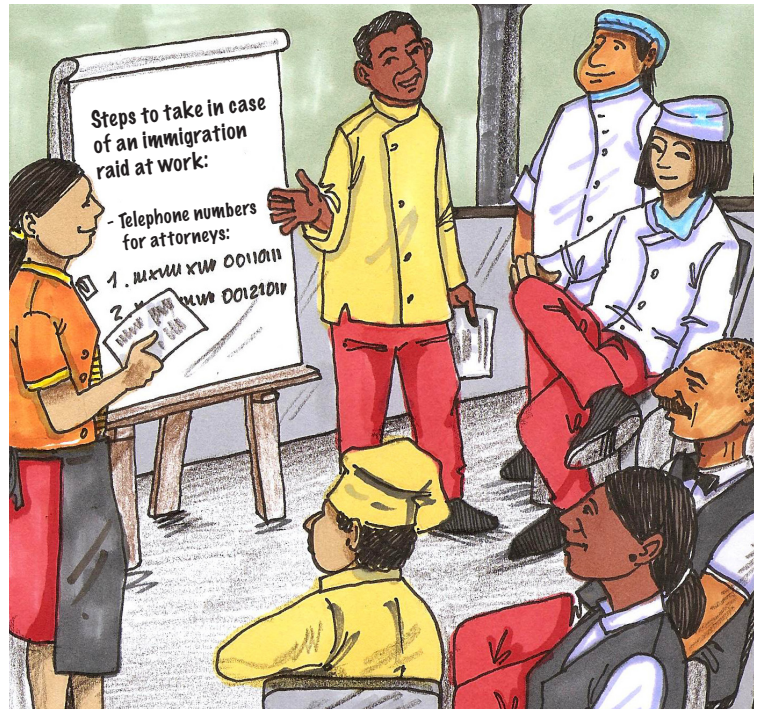
Do not carry any documents from your country of origin or any false documents.



Memorize the phone number of a friend, family member, or attorney to call if you are arrested.



Make arrangements for the care of your children or other loved ones in the event of an arrest.



Designate trusted friends or family members to make decisions



Keep copies of immigration documents, criminal records, and other important documents in a safe place where a trusted friend or family member can access them if necessary.






Make sure your loved ones know your immigration number (A number) and how to find you if you are detained by Immigration. Contact the local ICE office or search the online detainee locator: <https://locator.ice.gov/odls/homePage.do>.

A DAY WORKED IS A DAY PAID!

DO NOT ALLOW YOUR EMPLOYER TO USE YOUR IMMIGRATION STATUS AGAINST YOU. Every worker has rights and protections, regardless of whether one has legal status or not.

Basic rights for EVERY employee:




-  Receive full payment of at least the minimum wage.
-  Get paid for time and a half when you work more than 40 hours in a week.
-  The right to a safe workplace, and to file a complaint with OSHA at the website https://www.osha.gov/workers/file_complaint.html






HAVE A PLAN TO DOCUMENT AND EXERCISE YOUR RIGHTS. It is important for you and your co-workers to be alert and prepared to make your rights count.



Documentation in support of your case:



-  Full name of the employer and company address.
-  Address and/or streets where you worked.
-  Dates worked and hours worked. Promised payment and payment received.

TAKE ACTION AND MAKE YOUR RIGHTS COUNT. If your employer wants to take advantage of you, it is important that you do not let them get away with it. You are not only protecting your rights, but those of your friends and family.

-  Collect your documentation and evidence.
-  Seek help from a worker center to help you negotiate and file a claim.
-  If negotiating with the employer does not work, you can go to the department of labor file a complaint.

DO NOT ALLOW THE USE OF THREATS TO INTIMIDATE YOU AND STOP YOU FROM DEMANDING YOUR RIGHTS. If your employer threatens you with calling immigration or other authorities, do not worry. If possible, make sure to get the information you need to make a claim and leave the site as soon as possible.

Documentation in support of your case:

-  Federal agencies that protect workers seek to protect the rights of all employees, even if they do not have legal status in the country.
-  There are laws against retaliation for asserting your rights.



NOTE: The content of this handout does not constitute legal advice. Please consult an immigration attorney for legal advice.

NDLON
NATIONAL DAY LABORER
ORGANIZING NETWORK